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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

PATRICIA DESANTIS, individually and as  
Successor in Interest for RICHARD  
DESANTIS, deceased, and as Guardian Ad  
Litem for DANI DESANTIS, a minor and  
TIMOTHY FARRELL, a minor,

Plaintiffs,

v.

CITY OF SANTA ROSA, *et al.*,

Defendants.

Case No.: C 07 3386 JSW

**PLAINTIFFS' [PROPOSED]  
STATEMENT TO BE READ TO  
THE JURY**

Date: July 2, 2012

Time: 2:00 p.m.

Place: Courtroom 11, 19th floor

Judge: Jeffrey S. White

Trial Date: September 4, 2012

1 Richard DeSantis was shot and killed in front of his home on the night of April 9, 2007 by  
2 Santa Rosa officers who responded to a 911 call by Mrs. DeSantis. At the time of the shooting six  
3 officers were present and a police K-9. Less lethal weapons, including a taser ERD and a Sage  
4 projectile impact weapon were available to the officers. Richard DeSantis walked from his front door  
5 and complied with orders to get on the ground. After several seconds DeSantis raised from a position  
6 on the ground and started moving toward Officers Menke and Mann. DeSantis was unarmed, shirtless  
7 and had nothing in his hands.

8 After DeSantis moved several feet toward the officers he was struck by a non-lethal Sage  
9 round fired by Sgt. Soares. Shortly thereafter Sergeant Celli fired his rifle and hit DeSantis. After he  
10 was shot by Soares and Celli, DeSantis took another step or two. Two more shots were fired, one by  
11 Officer Menke and one by Officer Mann. Richard DeSantis died as a result of a gunshot wounds.

12  
13 Dated: June 18, 2012

Respectfully submitted,

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15 By: /s/ John Houston Scott  
16 John Houston Scott  
17 Attorneys for Plaintiffs  
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